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Counsel for Creditors Sand Hill Ventures, LLC,  
Power Play Real Estate Management, LLC and  
First Pitch, LLC

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re  
BDB MANAGEMENT III, LLC,  
Debtor.

Case No. 08-31002 (TEC)

Chapter 11

**NOTICE OF APPEARANCE AND  
REQUEST FOR SPECIAL NOTICE**

[No Hearing Required]

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE, THE UNITED STATES  
TRUSTEE, AND OTHER INTERESTED PARTIES:

**PLEASE TAKE NOTICE** that pursuant to Section 1109(b) title 11 of the United States  
Code (the “Bankruptcy Code”) and Rules 2002, 3017, and 9010(b) of the Federal Rules of  
Bankruptcy Procedure (the “Bankruptcy Rules”), Morrison and Foerster LLP hereby appears in  
this Case No. 08-31002 before this Court on behalf of each of Sand Hill Ventures, LLC, Power  
Play Real Estate Management, LLC and First Pitch, LLC (collectively, the “Creditors”), creditors  
in this case, and hereby requests that all notices given or required to be given in this case be given  
to and served upon the undersigned at the following office, address and telephone number:

G. Larry Engel  
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1 This Notice of Appearance and Request for Special Notice is filed on behalf of each of the  
2 Creditors individually for the sake of convenience, and nothing herein shall be construed to  
3 indicate that any Creditor is proceeding jointly with any other Creditor, nor does this Notice of  
4 Appearance and Request for Special Notice constitute a waiver by any Creditor of its right to take  
5 positions adverse to any other Creditor.

6 Neither this Notice of Appearance and Request for Special Notice nor any subsequent  
7 appearance, pleading, claim, proof of claim, document, suit, motion nor any other writing or  
8 conduct shall constitute a waiver by any Creditor of any:

9 (a) Right to have any and all final orders in any and all non-core matters entered only  
10 after *de novo* review by a United States District Court Judge or Bankruptcy Appellate Panel;

11 (b) Right to trial by jury in any proceeding as to any and all matters so triable therein,  
12 whether or not the same be designated legal or private rights, or in any case, controversy or  
13 proceeding related hereto, notwithstanding the designation *vel non* of such matters as “core  
14 proceedings” pursuant to 28 U.S.C. § 157(b)(2)(H), and whether such jury trial right is pursuant  
15 to statute or the United States Constitution;

16 (c) Right to have the reference of this matter withdrawn by the United States District  
17 Court in any matter or proceeding subject to mandatory or discretionary withdrawal; and

18 (d) Other rights, claims, actions, defenses, setoffs, recoupments or other matters to  
19 which any Creditor is entitled under any agreement or at law or in equity or under the United  
20 States Constitution.

21 All of the above rights are expressly reserved and preserved unto each Creditor without  
22 exception, and with no purpose of confessing or conceding jurisdiction in any way by this filing  
23 or by any other participation in these matters.

24 **PLEASE TAKE FURTHER NOTICE** that pursuant to Section 1109(b) of the  
25 Bankruptcy Code, the foregoing request includes not only the notices and papers referred to in the  
26 rules specified above, but also includes, without limitation, orders and notices of any application,  
27 motion, petition, pleading, request, plan, disclosure statement, complaint, demand, answers or  
28 reply papers, made by the debtor or any third party in the bankruptcy case or any adversary

1 proceedings or contested matters herein, whether formal or informal, written or oral, transmitted  
2 or conveyed by mail, delivery, telephone, telecopy, facsimile, electronic mail, personal deliver or  
3 other means.

4 Dated: June 12, 2008

5 MORRISON & FOERSTER<sup>LLP</sup>  
6 G. LARRY ENGEL  
7 VINCENT J. NOVAK

8 By: /s/ G. Larry Engel  
9 G. Larry Engel

10 Counsel for Sand Hill Ventures, LLC, Power  
11 Play Real Estate Management, LLC and First  
12 Pitch, LLC  
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